

# HOUSE BILL REPORT

## SSB 5608

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### As Passed House - Amended:

April 8, 2009

**Title:** An act relating to genetic counselors.

**Brief Description:** Concerning genetic counselors.

**Sponsors:** Senate Committee on Health & Long-Term Care (originally sponsored by Senators Franklin, Pflug, Fairley, Regala, Marr and Kohl-Welles).

### Brief History:

#### Committee Activity:

Health Care & Wellness: 3/24/09, 3/26/09 [DPA].

#### Floor Activity

Passed House - Amended: 4/8/09, 66-32.

<p style="text-align: center;"><b>Brief Summary of Substitute Bill</b> <b>(As Amended by House)</b></p>
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- Establishes a licensure program for genetic counselors.

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## HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

**Majority Report:** Do pass as amended. Signed by 9 members: Representatives Cody, Chair; Driscoll, Vice Chair; Campbell, Clibborn, Green, Kelley, Moeller, Morrell and Pedersen.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Ericksen, Ranking Minority Member; Bailey, Herrera and Hinkle.

**Staff:** Jim Morishima (786-7191)

### Background:

Generally speaking, a genetic counselor is a person who provides information on medical genetics and counsels individuals and families on genetic disorders. Genetic counselors are

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not credentialed in Washington, although the American Board of Genetic Counselors (ABGC) does offer a private credential.

In response to legislation introduced in 2005, the Department of Health (DOH) conducted a sunrise review regarding genetic counselors. In its review, which was issued in January 2006, the DOH recommended against regulating genetic counseling as its own profession. In its final report, the DOH indicated that it could not find instances where a patient was harmed by a genetic counselor, that the public can be assured of a genetic counselor's competency through the ABGC, that genetic counseling may, in some cases, constitute the practice of medicine, and that the low numbers of genetic counselors (around 50 in 2006) would lead to high licensing fees.

### **Summary of Amended Bill:**

Beginning August 1, 2010, a person may not engage in the practice of genetic counseling or represent that he or she is a "licensed genetic counselor" or a "genetic counselor" without a license issued by the Secretary of Health (Secretary). Genetic counseling is defined as a communication process conducted by one or more appropriately trained individuals that includes:

- estimating the likelihood of occurrence or recurrence of a birth defect or any potentially inherited or genetically influenced condition;
- helping the individual, family, or health care provider: appreciate the medical and psychosocial implications of a disorder; learn how genetic factors contribute to the disorder and affect the chance of recurrence in other family members; understand available options for coping with, preventing, or reducing the chance of occurrence or recurrence; and understand genetic or prenatal tests, coordinate testing for inherited disorders, and interpret complex genetic test results;
- facilitating an individual or family's: exploration of the perception of risk and burden associated with the disorder; decision-making regarding testing or medical interventions consistent with their beliefs, goals, needs, resources, and cultural, ethical, and moral views; and adjustment and adaptation to the condition or their genetic risk; and
- pursuant to a collaborative agreement: ordering genetic tests or other evaluations to diagnose a condition or determine the carrier status of one or more family members; and selecting the most appropriate, accurate, and cost-effective methods of diagnosis.

In order to obtain a license, an applicant must graduate from a master's or doctorate program in genetic counseling or medical genetics, successfully complete clinical experience requirements established by the Secretary, and successfully complete an examination. In addition, the Secretary may establish a continuing competency program.

An applicant for licensure must take the examination on dates and at locations established by the Secretary. If an applicant fails the examinations four times, the Secretary may invalidate the current application and require remedial education before the person may re-take the examination. The Secretary may approve an examination prepared or administered by a private organization that certifies and re-certifies genetic counselors, or an association of licensing agencies, for use by an applicant in meeting the credentialing requirements. A person who is licensed as a genetic counselor in another state may be licensed without

examination if the Secretary determines that the licensing standards in the other state are substantially equivalent to Washington's standards.

The Secretary may grant a provisional license to a person who has met all the requirements for licensure except the examination. A provisionally licensed genetic counselor must practice under the supervision of a licensed genetic counselor or a licensed physician with a current certification in clinical genetics issued by an organization approved by the Secretary. A provisional license may last only one year and may not be renewed more than four times.

The licensure and discipline of licensed genetic counselors is governed by the Uniform Disciplinary Act (UDA). For purposes of the UDA, the Secretary is the disciplining authority.

A genetic counseling license is not required for the following:

- a person who holds a credential for another profession (although this type of person may not use the title of genetic counselor);
- a person who practices in genetic counseling for the federal government;
- a person who practices in genetic counseling as part of an educational program approved by the Secretary; and
- a person who practices in genetic counseling under the general supervision of a licensed genetic counselor in a genetic counseling training site while gathering logbook cases for the purpose of meeting licensing requirements.

The Advisory Committee on Genetic Counseling (ACGC) is established, consisting of five members: three genetic counselors; one licensed health care provider with genetic expertise; and one member of the public. The DOH must seek the advice and assistance from the ACGC in administering the genetic counselors licensing program, including:

- advice and recommendations regarding administrative rules;
- advice and recommendations regarding developments in genetic counseling;
- advice, recommendations, and consultation regarding case disposition guidelines and priorities related to unprofessional conduct;
- assistance and consultation in the review, analysis, and disposition of reports of unprofessional conduct and consumer complaints; and
- assistance and recommendations regarding any continuing competency program.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect on August 1, 2010.

**Staff Summary of Public Testimony:**

(In support) The profession of genetic counseling has evolved over the years and is a growing field. Genetic counselors hear patient stories, piece together family medical information, and sift through what is relevant to determine the tools that should be applied. Patients deserve to know which practitioners are current and qualified to do this work. Misinformation in genetic counseling is common and can be devastating; people often make

dramatic choices based on genetic information. Currently, anyone can call themselves a genetic counselor. The profession currently self-regulates, but the growing number of genetic counselors is making this more difficult. Genetic counselors perform tasks that are comparable to other credentialed medical professionals. This bill makes sure that people who are giving genetic advice are properly credentialed.

(Opposed) None.

**Persons Testifying:** Senator Franklin, prime sponsor; Nancy Hanson, Washington State Genetic Counselor Network; and Nick Federici, American Cancer Society.

**Persons Signed In To Testify But Not Testifying:** None.